

# GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

Board Meeting  
October 18, 2007

A meeting of the Georgia Board of Chiropractic was held on Thursday, October 18, 2007, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

<b>The following Board members were present:</b>	<b>Others Present:</b>
Karen Mathiak, D.C., President Gregory Baker, D.C. J. Chris Nelson, D.C. Patrick Sallarulo, D. C. David A. Wren, D.C.	Graham Barron, Board Attorney Anita O. Martin, Executive Director Samirah Stephens, Board Secretary

**Karen Mathiak established** that a quorum was present and the public hearing was **called to order** at 10:07am.

The public hearing was held-all written comments received were considered. Drs. Steve Welch of the GCC and Dr. Richard Saporito of the University of Bridgeport gave verbal comments.

**Board Rule 100-2-.02, License Renewal.-** No written or verbal comments were received.

**Board Rule 100-4-.02, Diplomate Status/Certifications.-** Written comments were received from Jerrold R. Wildenauer, D.C., representative from The Academy of Chiropractic Orthopedists.

**Board Rule 100-5-.01, Hours Required and Board Rule 100-5-.02, Approval of Educational Programs.-** Verbal comments were received from Stephen Welsh, D.C. Written comments were received from:

1. Steven Weiniger, D.C.
2. F.W. Allen, D.C.
3. Andrew J. Arena, D.C.
4. Allen K. Arnold, D.C.
5. Allen Avery, D.C.
6. Jeffrey D. Berklich, D.C.
7. Keith Braswell, D.C.
8. Vince Campbell, D.C.
9. Ron Chalfin, D.C.
10. Ron Clark, D.C.
11. Patricia Cohen, D.C.
12. Jim Di Blasi, D.C.
13. Cater W. Donaldson, D.C.
14. Carol Evancho, D.C.
15. Elise A. Faust, D.C.
16. Teresa Fourre, D.C.
17. Mark T. Grant, D.C.
18. Victor Greco, D.C.
19. Albert Scott, D.C.
20. Ross Carter, D.C.
21. Stephen Green, D.C.
22. Brian G. Gregg, D.C.
23. Ren Halverson, D.C.
24. G. Todd Holubitsky, D.C.
25. Toby J. Hopkins, D.C.

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26. M. Todd Hortman, D.C.
27. Shannon Hunt, D.C.
28. Arthur R. Hutchins, D.C.
29. Warren T. Jahn, D.C.
30. Douglas W. Johnson, D.C.
31. Rosemary Kaszans, D.C.
32. Meg Ann Lawson, D.C.
33. John Lefand Jr., D.C.
34. Michelle DiBiase, D.C.
35. Jarod D. Lynn, D.C.
36. Barbara C. Middleton, D.C.
37. Stephanie Miller, D.C.
38. Benjamin Mitchell, D.C.
39. Nanci Moon, D.C.
40. Rick Neal, D.C.
41. Frank E. Penney, D.C.
42. John A. Radin, D.C.
43. Amy L. Reich, D.C.
44. Inger Roug, D.C.
45. Steven Saul, D.C.
46. Theodore H. Saylor, D.C.
47. Leigha R. Sipes, D.C.
48. Christina Solov, D.C.
49. Samuel J. Sparlin, D.C.
50. Johnny D. Brown, D.C.
51. David Denmark, D.C.
52. Edward Krolikowski, D.C.
53. Edward E. Sparlin, D.C.
54. John D. Vilardo, D.C.
55. W.A. Beaumont III, D.C.
56. Edward E. Cordovado, D.C.
57. Shaunna T. Morrow, D.C.
58. Shannan C. Starman, D.C.
59. Michael Tomasello, D.C.
60. C. Paul Willis, D.C.
61. Ellen M. Wilson, D.C.
62. Steven G. Woltin, D.C.
63. Nancy J. Woods, D.C.
64. Leonard M. Zaprowski, D.C.
65. Charles G. Weiss, D.C.
66. Robert A. Hayden, D.C.
67. James T. Willis, D.C.
68. Linda S. Denham, D.C.

**Board Rule 100-7-.04, Standards of Practice.-** Verbal comments were received from Stephen Welsh, D.C. and written comments were received from Emory Wilkerson, Associate General Counsel for State Farm.

**Board Rule 100-7-.07, Patient Referrals and Patient Records.-** No written or verbal comments were received.

**Board Rule 100-7-.08, Private Review Agent Requirements.-** Written comments were received from Warren T. Jahn, D.C. and Emory Wilkerson, Associate General Counsel for State Farm.

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The public hearing was adjourned at 10:36am.

**Karen Mathiak established** that a quorum was present and the meeting was **called to order** at 10:38am.

**Consider adoption of Board Rule 100-2-.02, License Renewal-** Dr. Sallarulo made a motion, Dr. Nelson seconded and the Board voted to adopt.

### **100-2-.02, License Renewal**

(1) Every person who holds a valid license as a chiropractor shall immediately upon issuance thereof be deemed licensed by the Board. Said license shall expire on December 31 of the even numbered years and shall be renewable biennially in accordance with the Official Code of Georgia Annotated (Section 43-9-11). Any licensee whose business address changes must notify the Board in writing within fifteen days of that change of address.

(2) Applications for renewal received in the Board office within ninety (90) days after the renewal deadline shall be considered "late renewals" and shall be renewed upon the applicant's payment of the current renewal fee, and if audited, his/her submission of the required continuing education hours, and the payment of the applicants penalty fee as determined by the board.

(3) The Division Director shall notify all expired licensees ~~on April 1~~ by the end of January following the deadline for renewal of the fact that they are practicing chiropractic in violation of the Georgia Chiropractic Practice Act.

(4) A list of all expired licensees shall be made public on or after April 1.

Authority O.C.G.A. §§ 43-9-6.1(1), 43-9-6.1(2) and 43-1-25.

**Consider adoption of Board Rule 100-4-.02, Diplomat Status/Certifications-**Dr. Baker made a motion, Dr. Nelson seconded and the Board voted to post as amended.

### **100-4-.02 Diplomat Status/Certifications**

Licensees may not advertise that they have certifications or have attained diplomate status without having been conferred the title of diplomate or having received certifications and having active diplomate and/or certifications by one or more of the following boards:

(i) Academy of Chiropractic Orthopedists (ACO);

~~Certified in Chiropractic Spinal Trauma (CCST);~~

(ii) Certified in Chiropractic Spinal Trauma (CCST);

~~Certified Chiropractic Wellness Practitioner (CCWP);~~

(iii) Certified Chiropractic Wellness Practitioner (CCWP);

~~Certified Sports and Fitness Chiropractor (CSFC);~~

(iv) Certified Sports and Fitness Chiropractor (CSFC);

~~Diplomate American Chiropractic Board of Radiology (DACBR);~~

(v) Diplomate American Chiropractic Board of Radiology (DACBR);

~~Diplomate American Chiropractic Rehabilitation Board (DACRB);~~

(vi) Diplomate American Chiropractic Rehabilitation Board (DACRB);

~~Diplomate American Chiropractic Board of Nutrition (DACBN);~~

(vii) Diplomate American Chiropractic Board of Nutrition (DACBN);

~~Diplomate American Board of Chiropractic Internists (DABCI);~~

(viii) Diplomate American Board of Chiropractic Internists (DABCI);

~~Certified Chiropractic Sports Physicians (CCSP);~~

(ix) Certified Chiropractic Sports Physicians (CCSP);

~~Diplomate American Board of Chiropractic Orthopedics (DABCO);~~

(x) Diplomate American Board of Chiropractic Orthopedics (DABCO);

~~Diplomate American Board of Forensic Professionals (DABFP);~~

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- (xi) Diplomate American Board of Forensic Professionals (DABFP);  
~~Diplomate American Chiropractic Academy of Neurology (DACAN);~~  
(xii) Diplomate American Chiropractic Academy of Neurology (DACAN);  
~~Certification American Chiropractic Board of Thermologists (CACBT);~~  
(xiii) Certification American Chiropractic Board of Thermologists (CACBT);  
~~Diplomate American Board of Chiropractic Neurology (DABCN);~~  
(xiv) Diplomate American Board of Chiropractic Neurology (DABCN);  
~~Diplomate American Chiropractic Board of Sports Physicians (DACBSP);~~  
(xv) Diplomate American Chiropractic Board of Sports Physicians (DACBSP);  
~~Diplomate American Chiropractic Board of Occupational Health (DACBOH);~~  
(xvi) Diplomate American Chiropractic Board of Occupational Health (DACBOH);  
~~Diplomate American Chiropractic Neurology Board (DACNB);~~  
(xvii) Diplomate American Chiropractic Neurology Board (DACNB);  
~~Diplomate Applied Chiropractic Sciences (DACS);~~  
(xviii) Diplomate Applied Chiropractic Sciences (DACS);  
~~Diplomate in Chiropractic Imaging (DCCI);~~  
(xix) Diplomate in Chiropractic Imaging (DCCI);  
~~Diplomate in Pediatrics (DICCP);~~  
(xx) Diplomate in Pediatrics (DICCP);  
~~Diplomate in Philosophical Chiropractic Standards (DPHCS);~~  
(xxi) Diplomate in Philosophical Chiropractic Standards (DPHCS);  
~~Diplomate in Thermography (DICCT);~~  
(xxii) Diplomate in Thermography (DICCT);

Authority O.C.G.A. §§ 43-9-6.1(1), 43-9-6.1(2) and 43-1-25.

**Consider adoption of Board Rule 100-5-.01, Hours Required-** Dr. Wren made a motion, Dr. Sallarulo seconded and the Board voted to post as amended.

100-5-.01 Hours Required. Amended.

(1) Each licensed chiropractor is required to obtain a minimum of twenty (20) hours of Board-approved continuing education per year in order to renew his/her license.

(a) Courses dealing with practice building, reimbursement coding strategies or practice management will not be accepted by the Board for the purpose of satisfying the requirement of O.C.G.A. § 43-9-11.

(b) Each licensed chiropractor shall maintain in his/her own possession certificates of attendance at continuing education meetings for a period of 4 years from the date of the program.

(c) Each doctor of chiropractic is responsible for determining in advance that the courses which he/she proposes to attend are approved. Such documentation of approval shall be furnished by the program sponsor/provider.

(2) Successful licensure candidates are automatically exempt from meeting the continuing education requirement in the calendar year said candidate is licensed.

Authority O.C.G.A. §§ 43-1-25, 43-9-6.1(1), 43-9-6.1(2), and 43-9-11.

**Consider adoption of Board Rule 100-5-.02, Approval of Educational Programs-** Board Response: Refer to the Rules Committee for revision.

**Consider adoption of Board Rule 100-7-.04, Standards of Practice-** Board Response: Refer to the Rules Committee for revision.

**Consider adoption of Board Rule 100-7-.07, Patient Referrals and Patient Records-** Dr. Baker made a motion, Dr. Nelson seconded and the Board voted to adopt.

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### **100-7-.07 Patient Referrals and Patient Records.**

(1) ~~For the purposes of this rule, unprofessional conduct shall include, but not be limited to, the following:~~

Licensed chiropractors are required to refer patients

(a) failing to refer a patient to an appropriate health care provider when it is clear that a chiropractor he/she knows or should have known that the patient condition is outside their scope of professional experience, training, or practice;

1. failing to retain original patient x-ray films for a period of ten (10) years from the date of each x-ray exposure and/or failing to retain all other patient records, including radiological diagnosis and clinical impressions, for a period of ten (10) years from the date of the last examination or treatment by the doctor of chiropractic.

(2) Patient records must contain and be retained in compliance with O.C.G.A. 31-22-1 as well as the following:

(a) must contain appropriate patient information to include but not be limited to:

1. evidence of patient's evaluation, treatment and response to treatment;

2. treatment notes following an acceptable format (i.e. SOAP);

3. evaluations, diagnoses, prognoses;

4. if applicable, x-rays;

5. any other technical information used in assessing a patient's condition.

(b) must be retained for ten (10) years from the date of the last patient visit.

(c) must be released in compliance with O.C.G.A. 31-33-1 regardless of any outstanding bill or financial matter.

(d) if an office closes, the chiropractor must post a legal notice of closing in the local legal organ (newspaper) as to the date the practice is closing and where the patient records should be obtained.

1. the chiropractor must allow not less than thirty (30) calendar days to allow for retrieval of patient records.

(e) must be retained, maintained and released in compliance with all federal and state laws, rules and regulations

Authority O.C.G.A. §§ 31-33-2, 31-33-3, 31-33-8, 43-1-25, 43-9-6.1(1), 43-9-6.1(2), 43-9-12, 43-9-12.1, and 43-9-16.

**Consider adoption of Board Rule 100-7-.08, Private Review Agent Requirements-** Dr. Wren made a motion, Dr. Sallarulo seconded and the Board voted to adopt.

### **100-7-.08 Private Review Agent Requirements.**

(1) Chiropractic care shall include offering or rendering a professional chiropractic written or verbal opinion, which has the capacity or intent of affecting the frequency, duration, necessity, or outcome of chiropractic treatment or patient care. Any person rendering such a chiropractic opinion in Georgia must:

(a) be registered with the Georgia Office of Insurance and Fire Safety Commissioner as a Private Review Agent as required under O.C.G.A. Title 33, Chapter 43;

(b) possess a valid Georgia chiropractic license;

(c) have active, current certification by an agency approved by the board by policy;

(d) identify themselves by name, degree designation, location of practice, and Georgia chiropractic license number.

(e) have established not less than five (5) years of active private clinical practice in Georgia immediately prior to rendering such opinion;

(f) have earned a minimum of seventy percent (70%) of chiropractic related income from the active treatment of patients in Georgia in each of the previous five (5) years; and

(g) have not been disciplined by the Georgia Board or any other regulatory Board or agency.

Authority OCGA §§ 43-1-25, 43-9-6.1(1) and 43-9-6.1(2), 43-9-12, 43-9-12.1, and 43-9-16.

**Review and approval of minutes from August 30, 2007 meeting** – Dr. Sallarulo made a motion, Dr. Wren seconded and the Board voted to approve as amended.

### **LICENSES TO RATIFY.**

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Dr. Sallarulo made the motion and Dr. Wren seconded and the Board voted to **approve**.

License#	Name	Profession	Status
CHIR008249	Spears, Lolita Genean	Chiropractor	Active
CHIR008250	Osuna, Alejandro	Chiropractor	Active
CHIR008251	Vargo, R William	Chiropractor	Active
CHIR008252	Kaya, Soyer Okan	Chiropractor	Active
CHIR008253	Kim, Jimmy D.	Chiropractor	Active
CHIR008254	Acosta, Rafael A.	Chiropractor	Active
CHIR008255	Herrera, Georgia Ann	Chiropractor	Active
CHIR008256	Lucas, Jason L.	Chiropractor	Active
CHIR008257	Aboujaoudeh, Atina	Chiropractor	Active
CHIR008258	Perron, Marie	Chiropractor	Active
CHIR008259	Snyder, Nimara Lynn	Chiropractor	Active
CHIR008260	Simone, Anthony John	Chiropractor	Active
CHIR008261	Longhurst, Donald L.	Chiropractor	Active
CHIR008262	Bell, David Chandler	Chiropractor	Active
CHIR008263	Holden, Elton Darrell	Chiropractor	Active
CHIR008264	Murphy, James Thomas	Chiropractor	Active
CHIR008265	Ferdarko, Mark Allen	Chiropractor	Active
CHIR008266	Silvera, Jean Pierre St. Patrick	Chiropractor	Active
CHIR008267	Evans, Tadjide Satorey	Chiropractor	Active
CHIR008268	Fletcher, Donald L.	Chiropractor	Active
CHIR008269	Muthard, Scott D.	Chiropractor	Active
CHIR008270	Olson-Krejci, LeAnn Kay	Chiropractor	Active
CHIR001932	Hambrick, Terry M.	Chiropractor	Active
CHIR007708	DePol, Scott H.	Chiropractor	Active
CHIR005949	Tabick, Lisa	Chiropractor	Active
CHIR005929	Ouellette, Brian E.	Chiropractor	Active
CHIR002797	Kennedy, John P.	Chiropractor	Active
CHIR002492	Hedglon, Paula R.	Chiropractor	Active
CHIR001599	Poppell, Cynthia F.	Chiropractor	Active

**Consider 2008 Meeting Schedule** – Dr. Baker motioned, Dr. Sallarulo seconded and the Board voted to approve the schedule.

**Correspondence from Karen Mathiak, D.C. regarding the Georgia Board of Chiropractic Examiners website.**- Board Response: Revise the policy statement information posted to the web-site removing the November 10, 2005 procedure coding information.

**Correspondence from Carolyn Hardnett regarding approved chiropractic schools-** Dr. Sallarulo motioned, Dr. Wren seconded and the Board voted to post amendment to Board Rule 100-12-.01.

**Correspondence from Karen Mathiak, D.C. regarding animal adjusting-** Dr. Baker motioned, Dr. Wren seconded and the Board voted that animal chiropractic is not within the Georgia scope of practice for chiropractors. The Board further voted to notify Life University concerning this issue and copy Dr. Warren Jahn with the letter.

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**Correspondence from Karen Mathiak, D.C. regarding C.A. training-** Board Response: Viewed as informational.

**Correspondence from Karen Mathiak, D.C. regarding documentation for continuing education-** Board Response: Viewed as informational.

**Dr. Karen Mathiak, D.C. will discuss possible rule change for modalities (hot and cold packs)-** Board Response: Refer to the Rules Committee to consider revision to Board Rule 100-9-01 or develop a new rule if needed.

**Correspondence from Craig Castanet, D.C. regarding Vertebral Axial Decompression and the chiropractic scope of practice-** Board Response: Notify Dr. Castanet that non-surgical spinal decompression is allowed under the scope of practice of chiropractors in Georgia. The board does not have the legal authority to advise or approve billing codes.

**Correspondence from Jamell McKenzie, D.C. regarding Intravenous Chelation Therapy and the chiropractic scope of practice-** Board Response: Notify Dr. McKenzie that this procedure is not allowed under O.C.G.A. 43-9-16 (f).

**Correspondence from Warren Jahn, D.C. regarding ACA's New Code of Ethics-** Board Response: Viewed as informational.

**Correspondence from Attorney Aubrey Villines regarding the letter of explanation concerning the dissemination of Notice of Hearing information-** Dr. Sallarulo made a motion, Dr. Nelson seconded and the Board voted to refer to OSAH with a request to docket as a supplement to the closed case.

### **Compliance Issues –**

- Dr. Frederik Gerretzen, D.C. requesting approval of CE coursework. – Dr. Wren motioned, Dr. Baker seconded and the board voted to approve the CE coursework.

### **Executive Director's Report – Ms. Anita Martin**

- Board voted to refer Eric Baty, D.C. to the Attorney General's office to offer a voluntary surrender to be received within fifteen (15) days of receipt or file a Notice of Hearing for revocation.
- Board voted to deny Dr. Gerretzen as a Life University PEAK faculty member.
- Board requested that Ms. Martin submit a request to the FCLB to conduct a Power Poll to see how many states require practice ownership by licensed D.C.'s.

### **Appeal Appointments**

**E.M.V.** – recommended approval of license. Refer to Legal for a Public Consent order citing the Florida sanctions. Require 5 hours CE in Georgia laws and rules be completed and proof submitted to the board by 12/31/07. Also require NBCE Ethics & Boundaries examination be completed within 1 year of the docket date of the order. Accept upon receipt.

**E.T.G.** – recommended approval license. Refer to Legal for a Public Consent order citing the Arizona sanction. Accept upon receipt.

Dr. Wren made the motion, Dr. Sallarulo seconded and the Board voted to **accept** the recommendations.

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### **Applications**

**S.T.P. – Reinstatement applicant, unlicensed practice.**-Recommended approval of reinstatement and refer to legal. Reinstatement under policy #5, citing deficient continuing education. Accept upon receipt.

**J.M – Applicant, Board requested letter of explanation attached.**- Recommended approval of licensure under a public consent order citing the Florida sanction. Accept upon receipt.

**J.R.F. – Reinstatement applicant, requesting acceptable CE hours.**- Recommended denial.

**D.V.T. – Applicant, request petition for waiver.**- Recommended denial for licensure. Variance was approved.

**J.J.P. – Reinstatement applicant, Florida disciplinary action.**- Tabled. Need additional information-applicant needs to have CE provider for the autism program send in course materials for review by the board. Upon receipt, we will send to Dr. Mathiak and if she approves, reinstate applicant. If she doesn't approve, require additional continuing education. Also require submission of a 4 hour risk management course before reinstatement.

**L.J.O. – Reinstatement application.** -Recommended denial.

**R.A.W. – Reinstatement applicant, unlicensed practice.**-Recommended approval of reinstatement. Refer to legal and reinstate under policy #5. Accept upon receipt.

**D.G.W. – Reinstatement applicant, unlicensed practice.** – Recommended denial.

Dr. Baker made the motion, Dr. Wren seconded and the Board voted to **accept** the recommendations.

### **Investigative Report- Lynn Eason**

**CHIR070068** –recommend to refer to Dr. Cipriano for peer review. If found to be outside of acceptable practice refer to Attorney General's office for a C& D concerning use of electrical therapeutic modalities, a public consent order with \$1000 fine, Ethics & Boundaries within 1 year of order, 5 hours GA Law/Rules and 4 hours of risk management.

Dr. Sallarulo motioned, Dr. Nelson seconded and the Board voted to **accept** the recommendations.

### **Executive Director's Report- Ms. Anita Martin**

- Accept orders on Luciann Ursula Moyher, D.C. & Jason Michael Jamin, D.C.

### **Attorney General's Report- Graham Barron**

File a Notice of Hearing for revocation on Michael Macaluso, D.C.

Dr. Nelson motioned, Dr. Wren seconded and the Board voted to **accept** the recommendation.

### **Legal Services Report – Sonya Williams**

Request from David Nudelman, D.C. to revise consent order denied.

There being no further business to come before the Board, the meeting was adjourned at 5:00 pm on October 18, 2007.

Minutes prepared by: Samirah Stephens, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

These minutes were approved on December 13, 2007.